

Application No. 10/809,329
Amendment dated November 10, 2008
Reply to Office Action of May 8, 2008

Page 6

REMARKS/ARGUMENTS

Independent claim 1 in the application has now been amended to include the subject matter of former dependent claim 13 and to include the additional feature that the game summary information that includes the series of high scores for collective users is maintained on the personal portable device for each of these modes. This arrangement promotes competition in the local mode, while also allowing any competitors in local mode to compare the local game summary information to the summary information available from the registered mode. The present personal portable device and its cooperation with the server promote game play, and promote game play to improve a particular player's score. This arrangement is in direct contradiction to Emmerson US Publication 2002/0103019, where any games downloaded to a device are controlled such that the server encrypts game parameters whereby the actual device cannot use the game unless these encrypted game parameters are also provided. This data must be decrypted before the game can be played. Based on the disclosure and in particular the encryption and decryption features as well as the encryption of the scores, it is designed to control the play of the downloaded game, whereby the score cannot be changed. Basically, the user has a one shot-type provision for playing the game and having his score uploaded. Although the game can be played in an off-line mode, based on the disclosure and the various security features, it appears the game can only be played once. The arrangement in Emmerson is disclosed to ensure that the uploaded scores are fair and consistent with other scores that may be uploaded. Such a restricted system, and in particular a restricted global system, has only limited appeal as it is only the players who can compete in the top echelons who will play such a system. There is a much larger percentage of the game players who cannot compete under these circumstances, and become discouraged and will not use the system.

In contrast, the present system encourages use in the local mode and encourages competition among any user on the device in the local mode. Game summary information, including high scores, is provided on the device and the device does allow a registered player to play in the registered mode at any point in time. The skills learned in the local mode and the unrestricted playing of the game in local mode will only assist the player in his score when he chooses to proceed in the registered mode.

This is in contrast to the Emmerson reference, where registration is required for any game play and the game is varied according to the level of the player based on certain characteristics of the player (page 2 of the reference, paragraphs 19 and 22). Thus,

Application No. 10/809,329
Amendment dated November 10, 2008
Reply to Office Action of May 8, 2008

Page 7

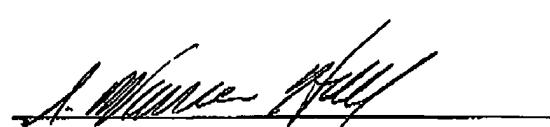
proposes an entirely different solution in contradiction to the arrangement presently claimed where unrestricted local mode is promoted.

In the previous Official Action, the Examiner merely states that it is known to have high scored summary information available, however high score summary information is not the norm with respect to games that can be operated on the personal portable device. As evidenced by the references cited by the Examiner, the approach with respect to the Emmerson reference has been to allow competition in a registered mode where access to a server is available, and processing of summary information is maintained by the server. Furthermore, there is no disclosure in any of the primary references and the secondary references cited in the Official Action, of a game that is playable in either local or registered mode, where skills developed in local mode are automatically applicable to the registered mode, and results in the local mode can easily be compared to results in registered mode.

It is noted that the Nokia reference was not cited with respect to dependent claim 13, and the subject matter of this claim has now been combined with independent claim 1. In any event, the Nokia reference does not have the particular arrangement and cooperation between the game provider and the personal portable device that allows the downloading of at least one game that is operable in both a local mode and a registered mode as specified in the present claims.

In view of the above, reconsideration and allowance of the application is requested.

Respectfully submitted,



Agent on behalf of Applicant
S. Warren Hall
Registration No. 30,350
(416) 368-8313

WH/sjh